

GAHC010112122022



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/4394/2022

RANU SHOME AND ANR
W/O- LATE SHIBENDRA KUMAR SHOME
RESIDENT OF UTTAR AMERI
P.O. BORPANI
P.S.- KACHUA
DISTRICT- NAGAON
ASSAM
PIN - 782450.

2: SURAJIT SHOME
S/O- LATE SHIBENDRA KUMAR SHOME
RESIDENT OF UTTAR AMERI
P.O. BORPANI
P.S.- KACHUA
DISTRICT- NAGAON
ASSAM
PIN - 782450.
VERSUS

THE STATE OF ASSAM AND 8 ORS
THROUGH- THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT
OF ASSAM
HOME DEPARTMENT
DISPUR
GUWAHATI- 781006.

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI- 781006.

3:THE DIRECTOR GENERAL OF POLICE
ASSAM
ULUBARI
GUWAHATI-7.

4:THE ASSISTANT INSPECTOR GENERAL OF POLICE (A)
ASSAM
ULUBARI
GUWAHATI- 781007.

5:THE SUPERINTENDENT OF POLICE

HAMREN
WEST KARBI ANGLONG
DISTRICT KARBI ANGLONG
ASSAM
PIN CODE- 782460.

6:THE SUPERINTENDENT OF POLICE
NAGAON
DISTRICT- NAGAON
ASSAM.

7:MOTOR TRANSPORT OFFICER (MTO)
OFFICE OF THE DIRECTOR GENERAL OF POLICE
ASSAM
ULUBARI
GUWAHATI- 781007.

8:MOTOR TRANSPORT OFFICER (MTO)

POLICE RESERVE
HAMREN
WEST KARBI ANGLONG
DISTRICT KARBI ANGLONG
ASSAM.
9:MOTOR TRANSPORT OFFICER (MTO)

POLICE RESERVE
NAGAON
DISTRICT- NAGAON
ASSAM.

Advocate for : MR. A K HUSSAIN

Advocate for : GA

ASSAM appearing for THE STATE OF ASSAM AND 8 ORS

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

30.01.2023

Heard Shri AK Hussain, learned counsel for the petitioners. Also heard Shri B.

Deuri, learned State Counsel for the respondent nos. 1, 3 to 6 as well as Shri B. Gogoi, learned Standing Counsel, Finance Department for the respondent no. 2 and Ms. MD Bora, learned Standing Counsel, Transport Department for the respondent nos. 7, 8 and 9.

2. The projected case in the petition is that the petitioner no. 2 is the registered owner of a Mahindra Bolero Power (private vehicle), bearing Registration No. AS-02-AA-4731 which was requisitioned by the respondent no. 5 for the period from 18.09.2019 to 11.01.2021. The vehicle was requisitioned on 01.02.2021 by the respondent no. 6 and released the same on 05.04.2022. The bills were accordingly submitted for the requisitioned of the vehicle and the total bills as per the petitioner is Rs.10,26,602/-. It is the case of the petitioners that though they are running from pillar to post, the bills have not been cleared.

3. Shri Hussain, learned counsel for the petitioners has also referred to earlier decisions passed by this Court wherein the amount involved has been directed to be released within a time period.

4. Shri Deuri, learned State Counsel submits that affidavit-in-opposition has been filed on 16.08.2022 by the respondent no. 5. In the said affidavit-in-opposition however, it is seen that it was only because of non receipt of the budget / ceiling sanction for which the bills were not paid.

5. At this stage, Shri Deuri, learned State Counsel submits that so far as the claim for Nagaon district is concerned, there is no dispute with the amount which is Rs.5,02,409/-. However, so far as the claim for West Karbi Anglong district is concerned, there is factual dispute regarding the quantum of the amount which according to the petitioner is Rs.5,25,552/-, as per instructions, Shri Deuri submits that the actual amount is 5,01,040/-. Accordingly, due verification is required to be made before making the payment.

6. The respondents however have not been denied the entitlement of the

petitioners.

7. In view of the above stand taken in the affidavit-in-opposition dated 16.08.2022 by the respondent no. 5, the instant writ petition is disposed of by directing consideration of the case of the petitioners and on finding the amount to be due, to release the same expeditiously and in any case within a period of 3(three) months from the date of receipt of a certified copy of this order.

8. The instant writ petition stands disposed of.

JUDGE

Comparing Assistant